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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/796,172	03/10/2004	Tooru Horie	NIP-216-02	3500

7590 06/06/2006

MATTINGLY, STANGER & MALUR
Suite 370
1800 Diagonal Rd.
Alexandria, VA 22314

EXAMINER

BLACK, LINH

ART UNIT	PAPER NUMBER
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2163

DATE MAILED: 06/06/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/796,172	HORIE ET AL.	
	Examiner	Art Unit	
	LINH BLACK	2163	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 28 February 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 22-27 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 22-27 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

This communication is in response to the documents dated 2/28/2006. Claims 22-27 are pending in the application. Claims 22 and 25 are independent claims.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 22, 25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mikurak (US 6671818), and further in view of David et al., "FAULTS: An Equipment Maintenance and Repair System Using a Relational Database".

As per claims 22, 25, Mikurak teaches

a firewall for preventing the registered inquiry information from being accessed by other users via the telecommunication network – col. 77, lines 3-66; col. 172, lines 27-44; col. 260, lines 28-62; col. 267, lines 19-50.

a database having combined answer information registered ...and the countermeasure - col. 22, lines 9-61; col. 34, line 5 to col. 35, line 40; col. 39, line 66 to col. 40, line 11;

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col. 41, lines 10-34; col. 71, line 18 to col. 73, line 67; col. 75, lines 5-35; col. 127, lines 5-67; col. 158, line 55 to col. 159, line 6; col. 171, lines 29-39; fig. 22.

retrieving system for retrieving countermeasure information ... via a telecommunication network – col. 22, lines 9-61 (power plant); col. 201, line 32 to col. 202, line 11; col. 206, lines 45-67.

a retrieving condition input function...to be retrieved – col. 22, lines 9-61 (power plant and retrieving information); col. 34, line 5 to col. 35, line 40. However, detecting machines' failures and providing a recovering procedures/countermeasure information are not novel in the art. David et al. teach "FAULTS...allows a user to interact with a relational database through a forms-based interface to record preventive maintenance and field repairs of manufacturing equipment. All the information necessary to identify the type and cause of equipment failure, time of occurrence, time of repair, etc. is stored in the relational database." – page 41, 2nd column 2; problem diagnosis/countermeasure info – page 42, col. 2 and col. 1, page 43. Thus, it would have been obvious to one of ordinary skill in the art to combine Mikurak's teaching and David et al.'s teaching in order to allow equipments/machine or a power plant to be maintained and repaired based on studies from the past problems and diagnoses. Names/identifications of the equipments/machines have to be entered or inputted in order to retrieve information relating to a particular machine and problem – David et al., page 42, col. 1.

Claims 23, 26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mikurak (US 6671818), David et al., "FAULTS: An Equipment Maintenance and Repair System Using a Relational Database", and further in view of Bean (US 5524147).

As per claims 23, 26, Mikurak teaches

Mikurak teaches "the proactive threshold manager provides real-time threshold analysis (that is, it continuously monitors for plan thresholds that have been exceeded) using algorithms...a threshold is generally a number which, when exceeded, generates an alarm in the proactive threshold manager indicating possible breach of service agreement...when an alarm is generated...it is also prioritized." – col. 73, lines 3-28; any downtime for a banks host computer system represents an enormous expense – col. 104, lines 49-50; "context can include any information of actions to be performed. Context can include any information but frequently contains information such as device name, problem description, and priority – col. 72, lines 31-34. Mikurak and David et al. do not explicitly disclose the longer the operation time is the higher a priority of countermeasure information for the abnormality caused thereby is made. However, actions to be taken against problems often based on time priority are well known in the art. Bean teaches method for forming a virtual call center – the title. Bean teaches the longest call waiting will be answered by the next available agent – col. 1, lines 5-17; col. 2, line 55-67. Priority levels of actions to face with systems/devices/applications' problems can be defined on users' references. Thus, it would have been obvious to one of ordinary skill in the art at the time of the invention to combine Mikurak's teaching

with Bean's teaching to facilitate the process of providing actions against problems efficiently.

Claims 24, 27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mikurak (US 6671818), David et al., "FAULTS: An Equipment Maintenance and Repair System Using a Relational Database", and further in view of "First aid for slipped disks; RAID vendor storage dimensions builds the virtual help desk." by Chabrow, Eric R.

As per claims 24 and 27, Mikurak teaches the proactive threshold manager provides real-time threshold analysis (that is, it continuously monitors for plan thresholds that have been exceeded) using algorithms...a threshold is generally a number which, when exceeded, generates an alarm in the proactive threshold manager indicating possible breach of service agreement...when an alarm is generated...it is also prioritized." – col. 73, lines 3-28; "context can include any information of actions to be performed. Context can include any information but frequently contains information such as device name, problem description, and priority – col. 72, lines 31-34. Mikurak and David et al. do not explicitly disclose the higher the abnormality occurrence times are, the higher a priority of countermeasure information for the abnormality caused thereby is made. Chabrow, Eric R. teaches "each time a solution to a customer's problem is found, it gets entered into the ThechConnect system as a document that can be retrieved either by technical support personnel or by customers via an electronic-mail inquiry over the Internet. The system further speeds resolution by automatically prioritizing solutions based on frequency of use." – page 1, second and third paragraphs. Thus, it would have been

obvious to one of ordinary skill in the art at the time of the invention to combine Mikurak's teaching with Chabrow, Eric R.'s teaching in order to provide faster support to customers, and also can reduce the technical support staffs.

Response to Arguments

Applicant's arguments with respect to claims 22-27 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to LINH BLACK whose telephone number is 571-272-4106. The examiner can normally be reached on 8am - 5pm.

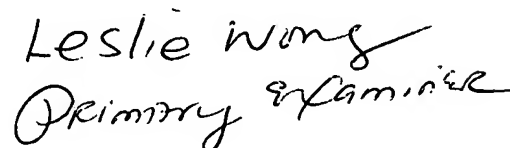
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Don Wong can be reached on 571-272-1834. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



May 30, 2006

LINH BLACK
Examiner
Art Unit 2163



Leslie Wong
Primary Examiner